



FILED

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ADR/cmf 6/11/2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Appeal of Jordan & Associates
Investments, Inc. d/b/a Sun Buggy
Fun Rentals (TCP 38563-Z) from
Citation Number F-5598 issued on
August 28, 2019 and corrected on
September 5, 2019 by the Transportation
Enforcement Section, Consumer
Protection and Enforcement Division.

K.19-09-015

**E-MAIL RULING REGARDING HEARING WAIVER AND
DOCUMENT ONLY PROCESS**

Dated June 11, 2021, at San Francisco, California.

/s/ ANDREA D. MCGARY

Andrea D. McGary
Administrative Law Judge

From: McGary, Andrea

Sent: Friday, June 11, 2021 5:18 PM

To: Charo <charobolanos@aol.com>; Clarke, Haydee V. <haydee.clarke@cpuc.ca.gov>; Martin, Migdalia <migdalia.martin@cpuc.ca.gov>; McGary, Andrea <Andrea.McGary@cpuc.ca.gov>; Fisher, Emily <Emily.Fisher@cpuc.ca.gov>; Jandura, Jessica <Jessica.Jandura@cpuc.ca.gov>; Ito, Douglas <Douglas.Ito@cpuc.ca.gov>

Subject: K.19-09-015: Administrative Law Judge's Email Ruling Regarding Hearing Waiver & Document Only Process

Case No.: K.19-09-015

Case Name: *Appeal of Jordan & Associates Investments, Inc., d/b/a/ Sun Buggy Fun Rentals (TCP 38563-Z) from Citation Number F-5598 issued on August 28, 2019 and corrected on September 5, 2019 by the Transportation Enforcement Section, Consumer Protection and Enforcement Section, Consumer Protection and Enforcement Division*

Admin. Law Judge: Andrea D. McGary

Summary:

This Ruling grants Party joint request for waiver of hearing and provides the Documents Only procedure for resolution of Citation Appeal Case No. K.19-09-015.

Background:

Appeal of Jordan & Associates Investments, Inc., d/b/a/Sun Buggy Fun Rentals (TCP 38563-Z) from Citation Number F-5598 issued on August 28, 2019 and corrected on September 5, 2019 by the Transportation Enforcement Section, Consumer Protection and Enforcement Section was filed on September 25, 2019 (Citation Appeal K. 19-09-015). The California Public Utilities Commission ("Commission") held Status Conferences on January 29, 2021 and March 1, 2021, with Joint Status Reports filed by the Parties on January 25, 2021 and March 25, 2021, respectively.

Via written request in the March 25, 2021 Joint Status Report and by oral stipulation during the April 1, 2021 Status Conference, Jordan & Associates Investments, Inc., d/b/a/ Sun Buggy Fun Rentals ("Sun Buggy") and the California Public Utilities Commission Transportation Enforcement Branch, Consumer Protection & Enforcement Division ("CPED") assert 1) that there are no material issues of fact in dispute and 2) that only legal issues remain in dispute in Citation Appeal K.19-09-015.

Sun Buggy and CPED have jointly requested to brief outstanding legal issues related to the Commission's authority to regulate the passenger trailers previously used to transport Sun Buggy customers to Sun Buggy's off-highway vehicle staging area, generally described as a sandy beach/sand dune route between Oceano Dunes State Vehicular Recreation Area, Oceano CA and 54 Saratoga Ave., Grover Beach, CA 93433, San Luis Obispo, County (Sun Buggy Trams).

RULING:

Having considered the proceeding record to date and the Parties' joint request for briefing in lieu of hearing, good cause appearing, it is Ordered as follows:

1. Pursuant to Party stipulation, hearing in Citation Appeal Case No. K.19-09-015 is waived without prejudice.
2. Citation Appeal No. K.19-09-015 shall be decided by the Document Only process detailed in this Ruling.
3. Briefs: The Parties are to submit Concurrent Opening Briefs and Concurrent Reply Briefs in memorandum of law format to address the following:

I. Introduction

II. Summary of Pertinent Facts

III. Discussion

A. Whether the California Public Utilities Commission has jurisdiction over the beach route generally described as a sand beach route between Oceano Dunes State Vehicular Recreation Area, Oceano CA and 54 Saratoga Avenue., Grover Beach, California 93433, San Luis Obispo County and specifically described in CPED Citation No. F-5598 ("Oceano Route").

B. Whether the California Public Utilities Commission has jurisdiction over the at-issue Sun Buggy Trams described in CPED Citation No. F-5598

1. Relevance of jurisdiction issues to the outcome of Citation Appeal K.19-09-015.

2. Whether the absence of a Commission administrative category for the Sun Buggy Tram vehicle type at-issue in Citation Appeal K.19-09-015 precludes Commission licensing of the Sun Buggy Tram for transporting passengers.

3. Whether any exemption(s) apply to Sun Buggy's tram operation along the Oceano Route.

C. Other legal issues to be considered for just and reasonable resolution of Citation Appeal K.19-09-015.

IV. Conclusion

4. Briefing Schedule:

- a. Opening Briefs (July 12, 2021): Concurrent Opening Briefs must be email served to the full service list and filed on or before **July 12, 2021**.
- b. Reply Briefs (August 2, 2021): Concurrent Reply Briefs must be email served to the full service list and filed on or before **August 2, 2021**.

5. Page Limits: Briefs shall not exceed twenty (20) pages double spaced.

6. Table of Contents: Any Brief exceeding ten (10) double spaced pages must include a table of contents.

7. Table of Authorities: Any Brief exceeding ten (10) double spaced pages must include a table of authorities.

8. Summary of Argument: Any Brief in excess of fifteen (15) pages must also include a "Summary of Argument" section directly after the "Summary of Pertinent Facts" section and before the "Discussion" section.
9. This proceeding may be set for future hearing at the discretion of the assigned Administrative Law Judge.

IT IS SO ORDERED.

The Commission Docket Office shall formally file this Ruling.

Andrea D. McGary
Administrative Law Judge

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